## BOARD FOR CONTRACTORS BOARD MEETING

## **MINUTES**

The Board for Contractors met on Tuesday, April 13, 2004 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The members indicated below were present. Each of the other members present was qualified to vote, except where a specific reason for disqualification is stated. There are 13 members on this board, in which seven constitutes a quorum pursuant to §54.1-1102.

Mark D. Kinser, Chairman Robert O Burch, Jr. Charles W. Falwell Kenneth Hart James Hollar Robert M. Kirby Jennifer Parrish Michael D. Redifer

Board members, Anthony Orange, William A. Paulette, Robert M. McDowell, David O. Harris, Sr., Robert O. Burch, Jr., and Dorothy Wood were not present at the meeting.

Staff members present for all or part of the meeting were:

Louise Ware, Director
Sandra Whitley Ryals, Chief Deputy Director
Karen O'Neal, Deputy Director of Regulatory Programs
Eric L. Olson, Executive Director
Kimberly Freiberger, Regulatory Boards Administrator
Victoria Traylor, Legal Assistant
Sheila Watkins, Administrative Assistant
Rob Sievers, Counsel, Attorney General's Office
Eric Gregory, Counsel, Attorney General's Office
James Guffey, Deputy Director, Enforcement

Chairman Mark Kinser called the meeting to order at 9:14 a.m. and declared orum of board members was in attendance.

<u>Call</u> <u>To Order</u>

Mr. Falwell moved to approve the agenda as written. Mr. Kirby seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

Approval of the Agenda

Mr. Redifer moved to approve the following minutes as written:

Approval of Minutes

March 02, 2004, Contractor Board Meeting February 10, 2004, Informal Fact Finding Conference February 11, 2004, Informal Fact Finding Conference February 18, 2004, Informal Fact Finding Conference February 24, 2004, Informal Fact Finding Conference February 26, 2004, Informal Fact Finding Conference March 02, 2004, Informal Fact Finding Conference March 04, 2004, Informal Fact Finding Conference March 09, 2004, Informal Fact Finding Conference

March 16, 2004, Informal Fact Finding Conference And the amended January 20, 2004 Board for Contractor Meeting Minutes correcting the file number and name to correctly read: Michael Fouche t/a Fouche Options Unlimited Inc.; file number 2002-01625 instead of: Michael Fouche t/a Home Exterior Designs, Inc. 2003-00731.

Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

Mr. Robert E. Morrison addressed the Board. He provided a handout for the Board members on File Number 2003-00025, Hand Construction. Mr. Morrison shared his concerns and disagreement with the March 2004 ruling of the Board for Contractors with regard to the Hand case. At the completion of Mr. Morrison's public comment it was confirmed by the Board that his handouts of April 13, 2004 could not be added to the closed Hand case, file number 2003-00025. The Board thanked Mr. Morrison for his comments.

Public Comment Period

In the matter of File Number 2004-02430, Barry Reese t/a R & S Handyman License File, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding hearing officer's summary and recommendation. Barry Reese appeared at the IFF and before the board and he voiced his desire to become licensed. After

File Number 2004-02430 Barry Reese Contractor Board Meeting Minutes April 13, 2004 Page 3 of 49

discussion, Mr. Hart moved to adopt the summary and grant the license. Mr. Kirby seconded the motion. Mr. Hollar and Ms. Parrish voted no. The motion was approved by members: Hart, Kirby, Kinser, Falwell and Redifer and the license was granted. The presiding officer at the Informal Fact-Finding Conference, Ms. Cooper was not present during the discussion or vote

In the matter of File Number 2002-00249, Tom Smith t/aNouveau Builders, the Board members reviewed the Consent Order as seen and agreed to by Mr. Smith. Mr. Tom Smith, Respondent, spoke to the Board. He expressed his concerns about the Consent Order. Ms. Jackie German was also present at the Board meeting. Mr. Smith provided the Board with an approved final inspection from the City of Richmond prior to the Board meeting. After discussion, Mr. Redifer moved to accept the Consent Order with a finding of no violation. Mr. Kirby seconded the motion which was approved by members: Falwell, Hart, Kinser, Parrish, Kirby and Redifer. Mr. Hollar cast a no vote. Mr. Paulette the presiding officer at the IFF was not present and did not participate in the vote.

File Number 2002-00249 Tom Smith

In the matter of File Number 2004-02204, Talmage Anderson Martin III t/a T A Martin III Disciplinary File, the Board members reviewed the Consent Order as seen and agreed to by Mr. Martin. A handout was sent to the Board prior to the meeting and it was scanned as a document in the file. Carol Baker spoke to the Board expressing her concerns about the Consent Order stating that she agreed with and disagreed with certain portions of the order and she requested that the Board be as reasonable as possible on the amount of the imposed fines. After discussion, Mr. Redifer moved to accept the Consent Order wherein Mr. Martin admits to violations of:

File Number 2004-02204 Talmage Anderson Martin III

Count 1: 18 VAC 50-22-260(B)(9) Count 2: 18 VAC 50-22-260(B)(31)

Count 3: 18 VAC 50-22-230(B)(9) all of the Board's 2003 regulations, and

agrees to the imposition of the following sanctions:

Count 1: \$250.00 for the violation and Remedial Education Count 2: \$250.00 for the violation and Remedial Education Count 3: \$250.00 for the violation and Remedial Education.

In addition he agrees to successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months of the entry of the order. Mr. Redifer further moved that Mr. Martin's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of Talmage Anderson Martin's III license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Parrish, Kirby and Redifer.

Contractor Board Meeting Minutes April 13, 2004 Page 4 of 49

At 10:03 AM Jennifer Parrish offered a motion as follows: Mr. Chairman, I move that this meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and/or briefings by staff members pertaining to actual and /or potential litigation as permitted by § 2.2-3711.A.28 of the Code of Virginia. The following non-members will be in attendance to reasonably aid the consideration of the topic, 2002-03219, Mark S. Carlson.

Eric Gregory and Rob Sievers of the Attorney General's Office.

Closed Session

Mr. Falwell seconded the motion:

Whereas, the Board for Contractors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and Whereas, §2.2-3712 of the Code of Virginia requires a certification by this Board for Contractors that such closed meeting was conducted in conformity with Virginia law; Now therefore, be it resolved that the Board for Contractors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (II) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board for Contractors. There was a call for vote (each member must answer "Aye" ore "Nay").

<u>Vote</u>

Ayes: Hollar, Kirby, Parrish, Redifer, Kinser, Falwell and Hart. Nays: There were no negative votes.

Absent during Meeting: Burch, Harris, Wood, McDowell, Orange and Paulette.

At 10:16 AM Jennifer Parrish offered a motion as follows: Mr. Chairman, I move that this meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and/or briefings by staff members pertaining to actual and /or potential litigation as permitted by § 2.2-3711.A.28 of the Code of Virginia. The following non-members will be in attendance to reasonably aid the consideration of the topic of General Legal Advice.

Eric Gregory and Rob Sievers of the Attorney General's Office.

Mr. Falwell seconded the motion:

Whereas, the Board for Contractors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and Whereas, §2.2-

Contractor Board Meeting Minutes April 13, 2004 Page 5 of 49

3712 of the Code of Virginia requires a certification by this Board for Contractors that such closed meeting was conducted in conformity with Virginia law; Now therefore, be it resolved that the Board for Contractors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (II) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board for Contractors. There was a call for vote (each member must answer "Aye" ore "Nay").

## **Vote**

Ayes: Hollar, Kirby, Parrish, Redifer, Kinser, Falwell and Hart.

Nays: There were no negative votes.

Absent during Meeting: Burch, Harris, Wood, McDowell, Orange and

Paulette.

Mr. Falwell offered a motion that the Board for Contractors meeting reconvene at 10:35 AM. The motion was seconded by Mr. Redifer. The vote was unanimous: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

Meeting Reconvened

In the matter of File Number 2002-00824, James Waters (Respondent), t/a Clairstone Construction Disciplinary File, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding hearing officer's summary and recommendation. Mr. John Fox, Complainant, appeared at the IFF and before the board voicing his agreement and disagreement with portions of the presiding officer's summary and recommendation. After discussion, Mr. Falwell moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

File Number 2002-00824 Clairstone Construction

Count 1: 1999 Regulations; 18 VAC 50-22-230(A) Count II: 1999 Regulations; 18 VAC 50-22-260(B)(8)

Count III: 1999 Regulations; 18 VAC 50-22-260(B)(6)

Count IV and V no violation.

Mr. Hollar seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. Mr. Falwell moved to adopt the Summary of the Informal Fact-Finding Conference for sanctions with amendments as follows:

Count I: \$500.00 and Remedial Education Count II: \$250.00 and Remedial Education Contractor Board Meeting Minutes April 13, 2004 Page 6 of 49

Count III: \$250.00 and Remedial Education

Total monetary penalties: \$1,000.00 and completion of the Board's Basic Contractor Licensing Class. The Board voted to increase the monetary penalty in counts 1 and 2 and to impose a penalty in Count 3 because it felt the monetary value fit the violations and would be consistent with previous Board actions for similar violations. **Mr. Hollar** seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. As the presiding officer at the Informal Fact-Finding Conference, Mr. Franko was not present during the discussion or vote.

In the matter of File Number 2003-03497, Jere Joseph Talbot License Application, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding officer's summary and recommendation. Jere J. Talbot appeared at the IFF and before the board and he voiced his desire to become licensed. After discussion, Ms. Parrish moved to adopt the summary and grant the license. Mr. Falwell seconded the motion. The motion was approved by members: Falwell, Hart, Kinser, Parrish voting yes. Mr. Hollar, Kirby and Redifer voted no. The motion was adopted. As the presiding officer at the Informal Fact-Finding Conference, Ms. Cooper was not present during the discussion or vote.

File Number 2003-03497 Jere Joseph Talbot

In the matter of File Number 2003-01419, Debra M. Belew t/a Construction R US Disciplinary File, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding officer's summary and recommendation. Ms. Debra M. Belew, Respondent, appeared at the IFF and before the board voicing her disagreement with portions of the presiding officer's summary and recommendation. She indicated that she disagreed with the findings of the presiding officer to revoke her license. After discussion, Ms. Parrish moved to adopt the Summary of the Informal Fact-Finding Conference for violations with amendments as follows:

File Number 2003-01419 Debra M, Belew

Count 1: 2001 Regulations, 18 VAC 50-22-260(B)(9) Count II: 2001 Regulations, 18 VAC 50-22-260(B)(15) Count III: 2001 Regulations, 18 VAC 50-22-260(B)(16)

Mr. Redifer seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. Ms. Parrish moved to adopt the Summary of the Informal Fact-Finding Conference for sanctions with amendments as follows:

Count I: \$250.00 and Remedial Education

Contractor Board Meeting Minutes April 13, 2004 Page 7 of 49

Count II: \$500.00 and Remedial Education
Count III: \$1,000.00 and Remedial Education

Total monetary penalties: \$1,750.00 and completion of the Board's Basic

Contractor Licensing Class.

Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. As the presiding officer at the Informal Fact-Finding Conference, Mr. Burch was not present during the discussion or vote.

In the matter of File Number 2003-02514, Saar Arie t/a A & R Enterprise Home Repair Disciplinary File, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding hearing officer's summary and recommendation. Mr. Saar Arie, Respondent, did not appear at the IFF other board meeting. He was not represented by counsel or any other qualified representative. Ms. Carol Ann Gwaltney, Complainant voiced her opinion at the Board meeting. She shared her agreement with the summary and recommendation. After discussion, Mr. Falwell moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

File Number 2003-02514 Saar Arie

Count 1: 2001 Regulations, 18 VAC 50-22-230(A)
Count II: 2001 Regulations, 18 VAC 50-22-260(B)(9)
Count III: 2001 Regulations, 18 VAC 50-22-260(B)(31)
Count IV: 2001 Regulations, 18 VAC 50-22-260(B)(6)
Count V: 2003 Regulations, 18 VAC 50-22-260(B)(12)

Mr. Redifer seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. Mr. Falwell moved to adopt the Summary of the Informal Fact-Finding Conference for sanctions with amendments as follows:

Count I: \$365.00 and Remedial Education
Count II: \$400.00 and Remedial Education
Count IV: \$750.00 and Remedial Education

Count V: \$850.00 Remedial Education and License Revocation.

Total monetary penalties: \$2,715.00 and completion of the Board's Basic Contractor Licensing Class along with license revocation.

Ms. Parrish seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. As the presiding officer at the Informal Fact-Finding Conference, Mr. Franko was not present during the discussion or vote.

Contractor Board Meeting Minutes April 13, 2004 Page 8 of 49

In the matter of File Number 2003-01669, Pixie E. Curry (Claimant) and Fredrick Reid t/ Reid's Construction (Regulant) Recovery Fund File, Mr. Kirby offered a motion to send this file back to an IFF for clarification of the out of pocket expenses incurred by the homeowner. The Board also wants clarification on the stature limit as to the amount of money they can pay. It was noted that Ms. Curry left a handwritten note for the Board which was scanned into the electronic file. Ms. Parrish seconded the motion. The motion was adopted with a unanimous vote by: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2003-01669 Pixie E. Curry

In the matter of File Number 2003-00829, Lilo Thompson t/a Meadow Homes, Inc. Disciplinary File, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding hearing officer's summary and recommendation. Mr. Lilo Thompson, Respondent, participated in the IFF by telephone. He did not appear at the Board meeting. Ms. Joanna Johncox, Complainant, appeared at the IFF and the Board meeting. She addressed the Board. After discussion, Mr. Kirby moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

File Number 2003-00829 Lilo Thompson

Count 1: 2001 Regulations, 18 VAC 50-22-220(A)
Count II: 2001 Regulations, 18 VAC 50-22-220(B)
Count IV: 2001 Regulations, 18 VAC 50-22-220(C)
Count IV: 2001 Regulations, 18 VAC 50-22-230(A)
Count V: 2001 Regulations, 18 VAC 50-22-260(B)(9)

Count VI: 2001 Regulations, 18 VAC 50-22-260(B)(5) No Violation

Mr. Redifer seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. Mr. Kirby moved to adopt a modified Summary of the Informal Fact-Finding Conference for sanctions as follows:

Count I: \$300.00 and Remedial Education
Count II: \$300.00 and Remedial Education
Count III: \$300.00 and Remedial Education
Count IV: \$100.00 and Remedial Education
Count V: \$500.00 and Remedial Education

Count VI: No Violation

Total monetary penalties: \$1,500.00 and completion of the Board's Basic Contractor Licensing Class. The Board increased the monetary penalty for Count 1, 2 and 3 due to the severity of the violations and to be consistent with previous Board actions for similar violations. **Mr. Redifer** seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. As the presiding officer at the Informal

Contractor Board Meeting Minutes April 13, 2004 Page 9 of 49

Fact-Finding Conference, Ms. Wall was not present during the discussion or vote.

In the matter of File Number 2003-01352, Rodney Brian Cooper, t/a Cooper's Home Improvement Disciplinary File, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding hearing officer's summary and recommendation. Mr. Rodney Brian Cooper, Respondent, appeared at the IFF and the Board meeting. He shared his concerns with the Board. Mary and Richard Follett, Complainant, participated in the IFF by telephone. Ms. Follett attended the Board meeting and addressed the Board. She indicated that she agreed with the findings of the presiding officer. After discussion, Ms. Parrish moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

File Number 2003-01352 Rodney Brian Cooper

Count 1: 2001 Regulations, 18 VAC 50-22-260(B)(27)
Count II: 2001 Regulations, 18 VAC 50-22-260(B)(9)
Count IV: 2001 Regulations, 18 VAC 50-22-260(B)(6)
Count IV: 2001 Regulations, 18 VAC 50-22-260(B)(22)
Count V: 2003 Regulations, 18 VAC 50-22-260(B)(23)
Count VI: 2003 Regulations, 18 VAC 50-22-260(B)(28)
Count VII: 2003 Regulations, 18 VAC 50-22-260(B)(13)

Mr. Hart seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. Ms. Parrish moved to adopt the Summary of the Informal Fact-Finding Conference for sanctions with modifications as follows:

Count 1: \$1,000.00 Revocation and Remedial Education

Count II: \$300.00 and Remedial Education

Count III: \$2,500.00 Revocation and Remedial Education Count IV: \$2,500.00 Revocation and Remedial Education

Count V: \$350.00 and Remedial Education

Count VI: No Sanction

Count VII: \$350.00 and Remedial Education

Total monetary penalties: \$7,150.00 license revocation and completion of the Board's Basic Contractor Licensing Class. The Board increased the monetary penalties for counts 1,2,3,4 and 5 due to the severity of the violations and to be consistent with previous Board actions for similar violations.

Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. As the presiding officer at the Informal Fact-Finding Conference, Ms. Wall was not present during the discussion or vote.

Contractor Board Meeting Minutes April 13, 2004 Page 10 of 49

In the matter of matter of File Number 2003-01879, Michael D. & Sandra A. Walker, Claimants) and JTY Builders, Inc, t/a JTY Builders, Inc. Recovery Fund File the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding officer's summary and recommendation. Michael B, Complainant, appeared at the IFF and Michael and Sandra Walker both appeared before the board voicing their agreement with the presiding officer's summary and recommendation. Jay T. Yancey and Melinda Yancey with JTY Builders (Regulant) were present at the IFF hearing but not the Board Meeting. They were not represented by counsel or any other representative. After discussion, Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows and to pay the claim in the amount of \$10,000.00. Mr. Kirby seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. As the presiding officer at the Informal Fact-Finding Conference, Ms. Wall was not present during the discussion or vote.

File Number 2003-01879 J T Builders Inc.

In the matter of File Number 2003-02330, Stephen A. Sheffield t/a S. A. Sheffield Well Drilling Disciplinary File, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding hearing officer's summary and recommendation. Neither Mr. Stephen A. Sheffield, Respondent, nor anyone on his behalf appeared at the IFF or before the board. Mr. John Brooks, Complainant, appeared at the IFF and Board voicing his opinion to the Board. He indicated that he agreed with the findings of the presiding officer. After discussion, Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

File Number 2003-02330 Stephen A. Sheffield

Count 1: 2001 18 VAC 50-22-260(B)(8) Count II: 2001 18 VAC 50-22-260(B)(5) Count III: 2003 18 VAC 50-22-260(B)(28)

Count IV: 2003 18 VAC 22-230(B)

Mr. Hart seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference for sanctions with modifications as follows:

Count 1: \$1,000.00 and Remedial Education

Count II: \$2,500.00 and Remedial Education (removed revocation)
Count III: \$2,500.00 License Revocation and Remedial Education

Count IV: \$500.00 and Remedial Education

Total monetary penalties: \$6,500.00, license revocation and completion of the Board's Basic Contractor Licensing Class.

Contractor Board Meeting Minutes April 13, 2004 Page 11 of 49

Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. The Board felt that completion of the Basic contractor's Licensing Class will give Mr. Sheffield a better understanding of requirements needed as a licensed contractor. As the presiding officer at the Informal Fact-Finding Conference, Mr. Paulette was not present during the discussion or vote.

In the matter of File Number 2003-01907, Judith Hanley t/a Hanley Construction, LLC Disciplinary File, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding hearing officer's summary and recommendation. Mr. John T. Cavanaugh, Complainant, appeared at the IFF and before the board voicing his agreement with the summary and recommendation.. No one from Hanley Construction, LLC, Regulant, made an appearance at the IFF or the Board meeting in person or by counsel. After discussion, Mr. Kirby moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

File Number 2003-01907 Hanley Construction , LLC

Count 1: 1999 18 VAC 50-22-230(A)
Count II: 1999 18 VAC 50-22-260(B)(8)
Count III: 1999 18 VAC 50-22-260(B)(9)
Count IV: 1999 18 VAC 50-22-260(B)(6)
Count V: 2001 18 VAC 50-22-260(B)(6)

Mr. Hart seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. Mr. Hollar moved to adopt the Summary of the Informal Fact-Finding Conference for sanctions with modifications as follows:

Count I: \$500.00 and Remedial Education
Count II: \$500.00 and Remedial Education
Count III: \$200.00 and Remedial Education
Count IV: \$200.00 and Remedial Education

Count V: \$2,500.00 License Revocation and Remedial Education

Total monetary penalties: \$3,900.00 license revocation and completion of the Board's Basic Contractor Licensing Class. The Board added Remedial Education to all counts because it feels completing the course will provide Hanley Construction LLC with a better understanding of requirements needed as a licensed contractor.

Mr. Kirby seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. As the presiding officer at the Informal Fact-Finding Conference, Mr. Paulette was

Contractor Board Meeting Minutes April 13, 2004 Page 12 of 49

not present during the discussion or vote.

In the matter of File Number 2002-03615, Raymond B. Vittum, III, t/a Monarch II Investment, Inc. Disciplinary File, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding hearing officer.

File Number 2002-03615 Raymond B. Vittum

Raymond B. Vittum, III, Regulant, nor any one from Monarch appeared at the IFF or the Board meeting. Glenn and Connie Riggi, Complainants, appeared at the IFF and they addressed the Board at the meeting and shared their agreement with the presiding officer's summary and recommendation. Mr. Falwell moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

Count 1: 2001 18 VAC 50-22-260(B)(9) Count II: 2001 18 VAC 50-22-260(B)(6)

Mr. Hart seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. Mr. Falwell moved to adopt the Summary of the Informal Fact-Finding Conference for sanctions with modifications as follows:

Count I: \$500.00 and Remedial Education

Count II: \$2,500.00 license revocation and Remedial Education

Total monetary penalties: \$3,000.00 license revocation and completion of the Board's Basic Contractor Licensing Class. The Board required Monarch II Investment, Inc. to successfully complete the Board's Basic Contracting Licensing Class because they felt it would help them have a better understanding of the requirements needed as a licensed contractor. Mr. Redifer seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. The presiding officer Mr. Paulette was not present did not participate in the discussion and did not vote.

Contractor Board Meeting Minutes April 13, 2004 Page 13 of 49

In the matter of File Number 2003-02682, Carole Evon Poe t/a Crystal Pools of Petersburg, the Board members reviewed the Consent Order as seen Ms. Poe, Regulant, spoke to the Board. She and agreed to by Ms. Poe. expressed her concerns about the Consent Order. She shared with the Board that she has already completed the Basic Contractor Licensing Course at John Tyler Community College. After discussion, Mr. Hart moved to accept the Consent Order wherein Ms. Poe admits to violations of 18 VAC 50-22-260(B)(8), 18 VAC 50-22-260(B)(1) and 18 VAC 50-22-260(B)(6) all of the Board's 1999 regulations, and agrees to the imposition of the following sanctions: \$100.00 and remedial ed for the violation of 18 VAC 50-22-260(B), \$250.00 and remedial ed for the violation of 18 VAC 50-22-260(B)(1) and \$150.00 and remedial ed for the violation of 18 VAC 50-22-In addition she must provide the Board with evidence of 260(B)(6). successful completion the Board's Basic Contracting Licensing Class (remedial education) within six months of the entry of the order. Mr. Hart further moved that Ms. Poe's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of Crystal Pools of Petersburg license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2003-02682 Carole Evon Poe

In the matter of File Number 2003-00085, Paul Chretien t/a California Builders, Inc. Disciplinary File, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding hearing officer's summary and recommendation. Mr. Paul Chretien, Respondent, appeared at the board meeting and voiced his disagreement with portions of the presiding officer's summary and recommendation. He indicated that he has never been before the Board for a disciplinary case and that he was on his way to attend the IFF and was involved in a vehicle incident. He was unable to contact the Board at that time and requests that the Board allow him a chance to present his evidence. After discussion, Mr. Redifer moved to remand the case back for an IFF because Mr. Chretien was involved in an accident on his way to the initial IFF.

File Number 2003-00085 California Builders Inc.

Ms. Parrish seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. The case will be remanded to an IFF and will come before the Board at the May 25, 2004 meeting. As the presiding officer at the Informal Fact-Finding Conference, Mr. Paulette was not present during the discussion or vote.

In the matter of File Number 2003-00086, Paul Chretien t/a California Builders, Inc. Disciplinary File, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding

File Number 2003-00086 California Contractor Board Meeting Minutes April 13, 2004 Page 14 of 49

hearing officer's summary and recommendation. Mr. Paul Chretien, Respondent, appeared at the board meeting and voiced his disagreement with portions of the presiding officer's summary and recommendation.. He indicated that he has never been before the Board for a disciplinary case and that he was on his way to attend the IFF and was involved in a vehicle incident. He was unable to contact the Board at that time and requests that the Board allow him a chance to present his evidence. After discussion, Mr. Redifer moved to remand the case back for an IFF because Mr. Chretien was involved in an accident on his way to the initial IFF.

**Builders Inc.** 

Ms. Parrish seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. The case will be remanded to an IFF and will come before the Board at the May 25, 2004 meeting. As the presiding officer at the Informal Fact-Finding Conference, Mr. Paulette was not present during the discussion or vote.

In the matter of File Number 2004-02434, Ronald Rackley, Sr. Application for examination waiver; the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding hearing officer's summary and recommendation. Ronald Rackley, Sr. appeared at the IFF and before the board and he voiced his desire to become licensed without having to sit for the examination. He shared that his license had expired without his knowledge. After discussion, Mr. Redifer moved to adopt the summary and not grant the test waiver. Mr. Hollar seconded the motion. The motion was approved unanimously by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. As the presiding officer at the Informal Fact-Finding Conference, Ms. Cooper was not present during the discussion or vote

File Number 2004-02434 Ronald Rackley, Sr.

In the matter of File Number 2003-02782, Shawn W. Kelly t/a Home Improvements Disciplinary File, the Board Members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding hearing officer. Shawn Kelly, Regulant, appeared at the IFF and the Board meeting. Mr. Kelly addressed the Board and shared his disagreement and agreement with portions of the presiding officer's summary and recommendation. The presiding officer Ms. Wall was not present did not participate in the discussion and did not vote. Mr. Falwell moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

Count 1: 2003 18 VAC 50-22-260(B)(8)

File 2003-02782 Shawn W. Kelly Contractor Board Meeting Minutes April 13, 2004 Page 15 of 49

Count II: 2003 18 VAC 50-22-260(B)(6) Count III: 2001 18 VAC 50-22-260 (B) (25)

Ms. Parrish seconded the motion which was approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. The opposing vote was cast by: Hollar. The motion was adopted with a majority vote. After discussion, Mr. Falwell offered a motion to amend the Summary of the Informal Fact-finding Conference for sanctions as follows:

Count I: \$250.00 and Remedial Education

Count II: No Violation

Count III: \$250.00 and Remedial Education

**Count IV**: No Violation

Total monetary penalties: \$500.00 and completion of the Board's Basic Contractor Licensing Class. The Board felt that by completing the course Shawn W. Kelly would have a better understanding of requirements needed as a licensed contractor. **Mr. Kirby** seconded the motion which was unanimously approved by members Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

The Board took a break from 12:20 to 12:40 PM.

**Break** 

In the matter of File Number 2004-02248, Sthephen Chick, t/a Chick's General Contracting, Inc. License Application, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding hearing officer's summary and recommendation. Sthephen Chick appeared at the IFF. After discussion, Mr. Redifer moved to adopt the summary and grant the license. Mr. Hollar seconded the motion. The opposing vote was cast by Mr. Kirby. The motion was approved with a majority vote by members: Falwell, Hart, Hollar, Kinser, Parrish and Redifer. As the presiding officer at the Informal Fact-Finding Conference, Ms. Cooper was not present during the discussion or vote

File Number 2004-02248 Chick's General Contracting Inc.

In the matter of File Number 2004-02249, Sthephen Chick t/a Central Roofing Company, Inc. License Application, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding hearing officer's summary. Mr. Chick attended the IFF but not the Board meeting. The presiding officer Ms. Cooper was not present and did not participate and did not vote. Mr. Redifer offered a motion to accept the presiding officer's recommendation and grant the license. Ms. Parrish seconded the motion. Mr. Kirby cast the opposing vote. The motion was approved with a majority "Yes" vote. Members voting were: Falwell, Hart, Hollar, Kinser, Parrish and Redifer. The license was granted.

File e Number 2004-02249 Sthephen Chick Contractor Board Meeting Minutes April 13, 2004 Page 16 of 49

In the matter of File Number 2004-02253, James L. Wright License Application. The Board members reviewed the licensing record which consisted of the transcript and exhibits from the IFF and the Summary of the Informal Fact-Finding Conference. Mr. Wright attended the IFF but not the Board for Contractor meeting. After discussion, Mr. Hollar offered a motion to adopt the presiding officer's recommendation and grant the license. Mr. Kirby seconded the motion. Mr. Hart cast the opposing vote. The motion was adopted with a majority vote by members: Falwell, Hollar, Kinser, Kirby, Parrish and Redifer. Ms. Cooper, the Presiding officer was not present and did not vote. The license was granted.

File Number 2004-02253 James Wright

In the matter of File Number 2004-02262, Synergy Networks, Inc. t/a Synergy Networks, Inc. License Application, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the licensing file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. Synergy Networks, Inc, did not appear at the Board meeting. The presiding officer Ms. Cooper was not present did not participate in the discussion and did not vote. After discussion, Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license. Mr. Hollar seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. The license was granted.

File Number 2004-02262 Synergy Networks, Inc.

In the matter of File Number 2004-02264, GMR Construction Co. Inc. License Application, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the licensing file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. GMR Construction Co. Inc. did not appear at the IFF or the Board meeting. The presiding officer Ms. Cooper was not present did not participate in the discussion and did not vote. Mr. Hollar moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license. Mr. Hart cast the opposing vote. Mr. Kirby seconded the motion which was approved with a majority vote by members: Falwell, Hollar, Kinser, Kirby, Parrish and Redifer. The license was granted.

File Number 2004-02264 GMR Construction Co, Inc.

In the matter of File Number 2004-02267, Sprance Construction License Application, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the licensing file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. Sprance Construction did not appear at the IFF or the Board meeting. The presiding officer Ms. Cooper was not present did not

File Number 2004-02267 Sprance Construction Contractor Board Meeting Minutes April 13, 2004 Page 17 of 49

participate in the discussion and did not vote. Mr. Hollar moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license. Mr. Falwell seconded the motion which was approved with a unanimous vote by members: Falwell, Hollar, Hart, Kinser, Kirby, Parrish and Redifer. The license was granted.

In the matter of File Number 2004-02432, The Power Source, License Application, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the licensing file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. The Power Source did not appear at the IFF or the Board meeting. The presiding officer Ms. Cooper was not present did not participate in the discussion and did not vote. Ms. Parrish moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license. Mr. Falwell seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. The license was granted.

File Number 2004-02432 The Power Source

In the matter of File Number 2004-02433, Shawn Gay, License Application, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the licensing file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. Shawn Gay did not appear at the IFF or the Board meeting. The presiding officer Ms. Cooper was not present did not participate in the discussion and did not vote. Ms. Parrish moved to adopt the Summary of the Informal Fact-Finding Conference and grant the license. Mr. Hollar seconded the motion which was approved with a unanimous vote by members: Falwell, Hollar, Kinser, Kirby, Parrish and Redifer. The license was granted.

File Number 2004-02433 Shawn Gay

In the matter of File Number 2002-02523, Ronald Updegraff t/a Graffs' Construction Disciplinary File, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. Ronald Updegraff, Regulant, nor anyone on his behalf appeared at the IFF or the Board meeting. The presiding officer Mr. Franko was not present did not participate in the discussion and did not vote. Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

File Number 2002-02523 Graffs' Construction

Count 1: 2001, 18 VAC 50-22-260(B)(8)

Contractor Board Meeting Minutes April 13, 2004 Page 18 of 49

Count II: 2001, 18 VAC 50-22-260(B)(6)

Mr. Hart seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion, Mr. Orange offered a motion to adopt the Summary of the Informal Fact-finding Conference for sanctions as follows:

Count I:

\$350.00 and Remedial Education

Count II:

\$220.00 and Remedial Education

Total monetary penalties: \$570.00 and remedial education. The Board felt by completing the course Ronald Undegraff would have a better understanding of requirements needed as a licensed contractor. **Mr. Kirby** seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2002-02890, Ray Deline t/a Ray Deline Painting Company Disciplinary File, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. Ray Deline, Regulant, and his attorney John G. Berry appeared at the IFF but not the Board meeting. The presiding officer Mr. Franko was not present did not participate in the discussion and did not vote. After discussion Mr. Hollar moved to adopt the Summary of the Informal Fact-Finding Conference for a finding of no violations for Count 1: 1999, 18 VAC 50-22-260(B)(8) and Count 2: 1999, 18 VAC 50-22-260(B)(1) to wit: §54.1-1103. Mr. Falwell seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2002-02890 Ray Deline Painting Company

In the matter of File Number 2003-01751, Thomas E. Dooley t/a Century Roofing Disciplinary File, the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding officer's summary. Mr. Dooley participated in the IFF by phone but not the Board meeting. The Presiding officer Mr. Franko was not present and did not participate and did not vote. Mr. Kirby offered a motion to adopt the presiding officer's recommendation for sanctions as follows:

File Number 2003-01751 Thomas E. Dooley

Count 1: 1999, 18 VAC 50-22-260(B)(8) Count 2: 1999, 18 VAC 50-22-260(B)(12)

Mr. Falwell seconded the motion which was unanimously, approved by

Contractor Board Meeting Minutes April 13, 2004 Page 19 of 49

members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion Mr. Kirby offered a motion to adopt the violations as follows:

Count 1: \$375.00 and Remedial Education Count II: \$500.00 and Remedial Education

Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. The Board felt by completing the course Thomas E. Dooley would have a better understanding of requirements needed as a licensed contractor.

In the matter of File Number 2003-01412, R. L. Rider and Company, t/a R. L. Rider and Company, Disciplinary File the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the Presiding officer's summary. R. L. Rider and Company attended the IFF but not the Board meeting. The Presiding officer Mr. Franko was not present and did not participate and did not vote. After discussion Mr. Hollar offered a motion to accept the presiding officer's recommendation of no violation for Count 1: 2001,18VAC 50-22-260(B)(9). Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2003-01412 R. L. Rider and Company

In the matter of File Number 2003-02959, Richard Rhoades t/a H C B Buildings, Inc., Disciplinary File, the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the Presiding officer's summary. Mr. Rhoades attended the IFF but not the Board meeting. The presiding officer Mr. Franko was not present and did not participate and did not vote. After discussion Mr. Redifer offered a motion to accept the presiding officer's recommendation for violations as follows:

File Number 2003-02959 Richard Rhoades

Count 1: 2001, 18 VAC 50-22-230(A) Count II: 2001, 18 VAC 50-22-260(B)(9)

Ms. Parrish seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion, Mr. Redifer offered a motion seconded by Ms. Parrish to reverse the recommendation and find a violation for each count and increase the fines to \$350.00 for each count. The motion failed with two no votes cast by, Mr. Hollar and Mr. Kirby. The yes votes were: Falwell, Hart, Kinser, Parrish and Redifer. After discussion, Mr. Hollar offered a motion to amend the summary and recommendation as follows: It appears the contract problems have been taken care of.

Contractor Board Meeting Minutes April 13, 2004 Page 20 of 49

Count 1: \$100.00 and remedial education

Count II: \$100.00 and remedial education

Mr. Redifer seconded the motion. The motion was unanimously adopted with the following members voting: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. The Board felt by completing the course HCB Buildings, Inc., would have a better understanding of requirements needed as a licensed contractor.

In the matter of File Number 2000-02332, Johnny R. Moore t/a Dun-Rite, Disciplinary File, the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding officer's summary. The presiding officer Mr. Harris was not present and did not participate and did not vote. Mr. Moore participated in the IFF but did not attend the Board meeting. After discussion, Mr. Falwell offered a motion to accept the presiding officer's recommendation for violations as follows:

File Number 2000-02332 Johnny R Moore

Count II: 1999, 18 VAC 50-22-260(B)(6) Count III: 1999, 18 VAC 50-22-260(B)(8)

Ms. Parrish seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion, Mr. Falwell offered a motion to adopt the sanctions as follows:

Count II: \$500.00 and remedial education Count III: \$500.00 and remedial education

Total penalties of \$1,000.00 and Remedial Education for counts 2 and 3. Mr. Redifer seconded the motion. The motion was adopted with a unanimous vote as follows: Members voting yes: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. The Board felt by completing the course Johnny R. Moore would have a better understanding of requirements needed as a licensed contractor.

In the matter of File Number 2003-00071, C & B Roofing Inc., Disciplinary File, the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding hearing officer's summary. The presiding officer Mr. Harris was not present and did not participate and did not vote. After discussion, Mr. Hart offered a motion to revoke the presiding officer's recommendation and remand the file back to an IFF for further review. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. The case was remanded back to an IFF and should be scheduled for the May 25, 2004 Board meeting.

File Number 2003-00071 C & B Roofing INC Contractor Board Meeting Minutes April 13, 2004 Page 21 of 49

In the matter of File Number 2004-00757, John W. Schwaller, III t/a The Roof Doctor of Roanoke Disciplinary File, the Board Members reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding officer's summary and recommendation. Mr. John W. Schwaller nor anyone on his behalf appeared at the IFF or the board meeting. After discussion, Mr. Hollar moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

File Number 2004-00757 John W. Schwaller, III

Count 1: 2001, 18 VAC 50-22-260(B)(15) Count II: 2001, 18 VAC 50-22-260(B)(6) Count III: 2001, 18 VAC 50-22-260(B)(30)

**Mr. Kirby** seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion **Mr. Hollar** moved to adopt the Summary of the Informal Fact-Finding Conference for sanctions with amendments as follows:

Count II: \$1,000.00 and Remedial Education \$1,500.00 and Remedial Education Count III: \$1,100.00 and Remedial Education

Mr. Hart seconded the motion. The motion failed with a vote of 2 no cast by Parrish and Kirby and 5 yes votes cast by: Falwell, Hart, Hollar, Kinser and Redifer. Mr. Kirby offered a motion to amend the sanctions as follows:

Count 1: \$1,000.00 remedial education and license revocation Count II: \$1,500.00 remedial education and license revocation Count III: \$1,000.00 remedial education and license revocation

Total monetary penalties: \$3,500.00 license revocation and completion of the Board's Basic Contractor Licensing Class. The Board imposed license revocation due to the severity of the violations. The Board felt by completing the course John W. Schwaller, III would have a better understanding of requirements needed as a licensed contractor.

Ms. Parrish seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. As the presiding officer at the Informal Fact-Finding Conference, Mr. Harris was not present during the discussion or vote.

In the matter of File Number 2003-01059, Ralph F. Swartz, t/a R & B Painting Disciplinary File, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. Ralph F. Swartz, Regulant, did not appear at the IFF or the Board meeting. The presiding officer Mr. Harris was not present did not participate in the discussion and did not vote. After discussion, Mr. Redifer moved to adopt the Summary of the Informal Fact-

<u>File Number</u> 2003-01059 Ralph F. Swartz Contractor Board Meeting Minutes April 13, 2004 Page 22 of 49

Finding Conference for violations as follows:

Count 1: 2001, 18 VAC 50-22-260(B)(9) Count II: 2001, 18 VAC 50-22-260(B)(27)

Mr. Hart seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion, Mr. Redifer offered a motion to adopt the Summary of the Informal Fact-finding Conference for sanctions as follows:

Count I: \$500.00 and Remedial Education
Count II: \$1,000.00 and Remedial Education

Total monetary penalties: \$1,500.00 and Remedial Education. The Board felt by completing the course Ralph F. Swartz would have a better understanding of requirements needed as a licensed contractor. **Mr. Kirby** seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2003-01063, Kelvin Peck t/a K A P Services Disciplinary File, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. Kelvin Peck, Regulant, did not appear at the IFF or the Board meeting. The presiding officer Mr. Harris was not present did not participate in the discussion and did not vote. After discussion, Ms. Parrish moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

File Number 2003-01063 Kelvin Peck

Count 1: 2001, 18 VAC 50-22-260(B)(15) Count II: 2001, 18 VAC 50-22-260(B)(16) Count III: 2001, 18 VAC 50-22-260(B)(27) Count 1V: 2001, 18 VAC 50-22-260(B)(6) Count V: 2001, 18 VAC 50-22-260(B)(13)

Mr. Redifer seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion, Ms. Parrish offered a motion to adopt the Summary of the Informal Fact-finding Conference for sanctions as follows:

Count I: \$2,500.00 license revocation and Remedial Education Count II: \$2,500.00 license revocation and Remedial Education

Count III: \$1,000.00 and Remedial Education
Count IV: \$500.00 and Remedial Education

Count V: \$500.00 license revocation and Remedial Education

Contractor Board Meeting Minutes April 13, 2004 Page 23 of 49

Total monetary penalties: \$7,000.00 license revocation and Remedial Education. The Board felt by completing the course **Kelvin Peck** would have a better understanding of requirements needed as a licensed contractor. **Mr. Kirby** seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer

In the matter of File Number 2003-01260, Martin K. Harrup t/a Martin K. Harrup, Jr., Disciplinary File, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding hearing officer. Martin K. Harrup, Regulant, nor anyone on his behalf appeared at the IFF or the Board meeting. The presiding officer Mr. Harris was not present did not participate in the discussion and did not vote. Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

File Number 2003-01260 Martin K. Harrup

Count 1: 2001, 18 VAC 50-22-260(B)(1)

Count II: 2001, 18 VAC 50-22-260(B)(9)(12) (2 violations)

Count III: 2001, 18 VAC 50-22-230 (A)

Mr. Hart seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion, Mr. Redifer offered a motion to adopt the Summary of the Informal Fact-finding Conference for sanctions as follows:

Count I: \$1,000.00 and remedial education Count II: \$250.00 and remedial education

Count II: \$250.00

Count III: \$1,000.00 and remedial education

Total monetary penalties: \$2,500.00 and remedial education. The Board felt that Martin K. Harrup, Jr. would have a better understanding of the requirements needed as a licensed contractor by completing the Board's Basic contracting Licensing Class. Mr. Hart seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2002-02056, Dominick Wells t/a D & L Drywall Disciplinary File, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. Dominick Wells, Regulant, nor anyone on his behalf appeared at the IFF or the Board meeting. The presiding officer

File Number 2002-02056 Dominick Wells Contractor Board Meeting Minutes April 13, 2004 Page 24 of 49

**Mr.** Harris was not present did not participate in the discussion and did not vote. **Mr.** Kirby moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

Count 1: 2001, 18 VAC 50-22-260(B)(9)(two violations)

Count II: 2001, 18 VAC 50-22-260(B)(27), to wit §54.1-103 of the Code

of Virginia

Mr. Redifer seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. Ms. Traylor shared with the Board that Dominick E. Wells had prior violations and had been before the Board in December 2002 and had a \$4,450.00 fine. After discussion, Mr. Redifer offered a motion to adopt the Summary of the Informal Fact-finding Conference for sanctions as follows:

Count I: \$375.00 and remedial education

Count 1: \$375.00 (second violation for count 1)

Count II: \$1,000.00 and remedial education

Total monetary penalties: \$1,750.00 and remedial education. The Board felt **Dominick Wells** would have a better understanding of the requirements needed as a licensed contractor by completing the class. **Ms. Parrish** seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2002-03771, R Joseph Hopcroft t/a Richmond Mechanical Services Disciplinary File, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. R. Joseph Hopcroft, Respondent, appeared at the IFF but not at the Board meeting. The presiding officer Mr. Orange was not present did not participate in the discussion and did not vote. Mr. Falwell moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

File Number 2002-03771 Richmond Mechanical Services

Count 1: 1999, 18 VAC 50-22-260(B)(8)

Mr. Redifer seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion, Mr. Falwell offered a motion to adopt the Summary of the Informal Fact-finding Conference for sanctions as follows:

Count 1: \$200.00 and remedial education

Total monetary penalties: \$200.00 and remedial education. The Board felt by completing the course R Joseph Hopcroft would have a better understanding of requirements needed as a licensed contractor. The Board voted to increase

Contractor Board Meeting Minutes April 13, 2004 Page 25 of 49

the penalty from \$50.00 to \$200.00 to be consistent with previous Board actions for similar violations. **Mr. Redifer** seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2003-00778, Larry D. Lucas, Sr. t/a Larry's Floors Disciplinary File, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. Larry D. Lucas, Sr., Regulant, did not appear at the IFF or the Board meeting. The presiding officer Mr. Orange was not present did not participate in the discussion and did not vote. After discussion, Mr. Kirby moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

File Number 2003-00778 Larry D Lucas, Sr.

Count 1: 2001, 18 VAC 50-22-260(B)(27) Count 2: 2001, 18 VAC 50-22-260(B)(9) Count 3: 2001, 18 VAC 50-22-260(B)(15) Count 4: 2001, 18 VAC 50-22-260(B)(16) Count 5: 2001, 18 VAC 50-22-260(B)(28) Count 6: 2001, 18 VAC 50-22-260(B)(13)

Mr. Hart seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion, Mr. Hollar offered a motion to adopt the Summary of the Informal Fact-finding Conference for sanctions as follows:

Count 1: \$1,500.00 and remedial education \$1,000.00 and remedial education Count 3: \$2,500.00 and remedial education

Count 4: \$2,500.00 license revocation and remedial education \$2,500.00 license revocation and remedial education Count 6: \$2,500.00 license revocation and remedial education

Total monetary penalties: \$12,500.00 license revocation and remedial education. The Board felt by completing the course Larry D. Lucas, Sr. would have a better understanding of requirements needed as a licensed contractor. Mr. Redifer seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2003-00802, Clarence Herz t/a First Call, Disciplinary File, License Application, the Board members reviewed the

File Number 2003-00802

Contractor Board Meeting Minutes April 13, 2004 Page 26 of 49

record of the Informal Fact-Finding Conference, which consisted of the licensing file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. First Call nor anyone on his behalf appeared at the IFF or the Board meeting. The presiding officer Mr. Orange was not present did not participate in the discussion and did not vote. Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference as follows for violations:

Count 1: 2001, 18 VAC 50-22-260(B)(9) Count 2: 2001, 18 VAC 50-22-230(A)

Count 3: 2001, 18 VAC 50-22-260(B)(28) (Three violations)

Mr. Hollar seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. Ms. Traylor shared with the Board there needed to be a correction in the summary for Count 2, it should read 18 VAC 50-22-230(A) and not 18 VAC 50-22-260(A). After discussion, Mr. Redifer moved to adopt the sanctions as follows:

Count 1: \$350.00 and Remedial Education

Count 2: \$2,500.00 license revocation and Remedial Ed Count 3: \$2,000.00 license revocation and Remedial Ed

Count 3: \$2,000.00 (second violation) Count 3: \$2,000.00 (third violation)

Total monetary penalties: \$8,850.00, license revocation and Remedial Education. The Board voted to require Clarence A. Herz to successfully complete the Board's Basic contracting Licensing Class because they felt it would give him a better understanding of the requirements needed as a licensed contractor. Ms. Parrish seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2003-01453, Mark D. Vaughn t/a Vaughn's Dec and More Disciplinary File, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Mark D Vaughn nor anyone on his behalf appeared at the IFF or the Board meeting. The presiding officer Mr. Orange was not present did not participate in the discussion and did not vote. Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

Count 1: 2001 18 VAC 50-22-230(A) Count 2: 2001 18 VAC 50-22-260(B)(9) Count 3: 2001 18 VAC 50-22-260(B)(6) Count 4: 2001 18 VAC 50-22-260(B)(5) Count 5: 2001 18 VAC 50-22-260(B)(15) Clarence Herz

File Number 2002-00582 R A W Associates, Inc. Contractor Board Meeting Minutes April 13, 2004 Page 27 of 49

Count 6: 2001 18 VAC 50-22-260(B)(13)

Mr. Kirby seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion, Mr. Kirby offered a motion to adopt the Summary of the Informal Fact-finding Conference for sanctions as follows:

Count 1: \$2,500.00 and Remedial Ed Count 2: \$500.00 and Remedial Ed Count 3: \$2,000.00 and Remedial Ed

Count 4: \$2,500.00 license revocation and Remedial Ed \$2,500.00 license revocation and Remedial Ed Count 6: \$2,500.00 license revocation and Remedial Ed

Total monetary penalties: \$12,500.00 license revocation and Remedial Ed. The Board felt by completing the course Mark D. Vaughn would have a better understanding of requirements needed as a licensed contractor. **Mr. Redifer** seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2003-03010, William F. Maywalt t/a The Maywalt Group Disciplinary File, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. William R. Maywalt, Regulant, and his attorney, Robert V. Cawthorne appeared at the IFF but not at the Board meeting. The presiding officer Mr. Orange was not present did not participate in the discussion and did not vote. Ms. Parrish moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

Count 1: 2001 18 VAC 50-22-260(B)(18)

Mr. Kirby seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion, Ms. Parrish offered a motion to adopt the Summary of the Informal Fact-finding Conference for sanctions as follows:

Count I: \$2,500.00 and Remedial Education

Total monetary penalties: \$2,500.00 and remedial education. The Board felt by completing the course **William F. Maywalt** would have a better understanding of requirements needed as a licensed contractor. **Mr. Kirby** seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2003-03010 The Maywalt Group Contractor Board Meeting Minutes April 13, 2004 Page 28 of 49

In the matter of File Number 2003-00414, Heidi D. Skeens t/a Goodman Mechanical Corporation Disciplinary File, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. Heidi D Skeens, Regulant, did not appear at the IFF or the Board meeting. The presiding officer Mr. Paulette was not present did not participate in the discussion and did not vote. Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

File Number 2003-00414 Goodman Mechanical Corporation

Count 1: 2001 18 VAC 50-22-260(B)(17) Count II: 2001 18 VAC 50-22-260(B)(28)

Count III: 2001 18 VAC 50-22-260(B)(9) (Two Violations)

Count IV: 2001 18 VAC 50-22-260(B)(13) Count V: 2003 18 VAC 50-22-260(B)(16)

**Mr. Hart** seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion, **Mr. Redifer** offered a motion to adopt the Summary of the Informal Fact-finding Conference for sanctions as follows:

Count I: \$2,500.00 license revocation and remedial ed Count II: \$2.500.00 license revocation and remedial ed

Count III: \$250.00 remedial ed Count III: \$250.00 (Count two) Count IV: \$1,000.00 remedial ed

Count V: \$2,500.00 license revocation and remedial ed

Total monetary penalties: \$9,000.00 license revocation and remedial ed. The Board felt by completing the course **Goodman Mechanical Corporation** would have a better understanding of requirements needed as a licensed contractor. **Mr. Kirby** seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2003-00874, Ronald L. Tignor t/a Richmond Exteriors Disciplinary File, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. Ronald L Tignor, Regulant, nor anyone on his behalf appeared at the IFF or the Board meeting. The presiding officer Mr. Paulette was not present did not participate in the discussion and did not vote. Ms. Parrish moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

Count 1: 2001 18 VAC 50-22-230(A)

File Number 2003-00874 Ronald L. Tignor Contractor Board Meeting Minutes April 13, 2004 Page 29 of 49

Count II: 2001 18 VAC 50-22-260(B)(6) Count III: 2001 18 VAC 50-22-230(B)(15) Count IV: 2001 18 VAC 50-22-260(B)(28) Count V: 2001 18 VAC 50-22-260(B)(13)

**Mr. Kirby** seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion, **Ms. Parrish** offered a motion to adopt the Summary of the Informal Fact-finding Conference for sanctions as follows:

Count I: \$500.00 remedial ed Count II: \$500.00 remedial ed

Count III: \$2,500.00 license revocation and remedial ed \$2,500.00 license revocation and remedial ed

Count V: \$1,000.00 remedial ed

Total monetary penalties: \$7,000.00 license revocation and remedial education. The Board felt by completing the remedial education course Ronald L. Tignor would have a better understanding of requirements needed as a licensed contractor. **Mr. Redifer** seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2003-00932, Ronald Tignor t/a Richmond Exteriors Disciplinary File, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. Ronald Tignor, Regulant, non anyone on his behalf appeared at the IFF or the Board meeting. The presiding officer Mr. Paulette was not present did not participate in the discussion and did not vote. Mr. Kirby moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

File Number 2003-00932 Ronald Tignor

Count 1: 2001 18 VAC 50-22-260(B)(9) Count II: 2001 18 VAC 50-22-260(B)(15) Count III: 2001 18 VAC 50-22-260(B)(16) Count IV: 2001 18 VAC 50-22-260(B)(13)

Mr. Hart seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion, Mr. Redifer offered a motion to adopt the Summary of the Informal Fact-finding Conference for sanctions as follows:

Count I: \$500.00 and remedial ed

Contractor Board Meeting Minutes April 13, 2004 Page 30 of 49

Count II: \$2,500.00 license revocation and remedial ed \$2,500.00 license revocation and remedial ed

Count IV: \$1,000.00 remedial ed

Total monetary penalties: \$6,500.00 license revocation and remedial ed. The Board felt by completing the course Ronald L. Tignor would have a better understanding of requirements needed as a licensed contractor. **Mr. Hart** seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2003-02018, Stephen Quinn t/a Trinity Contracting Disciplinary File, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. Stephen Quinn, Regulant and his attorney Arnold H. Abrons attended the IFF but not the Board meeting. The presiding officer Mr. Paulette was not present did not participate in the discussion and did not vote. Mr. Kirby moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

File Number 2003-02018 Trinity Contracting

Count 1: 2001 18 VAC 50-22-260(B)(8) Count II: 2001 18 VAC 50-22-260(B)(9) Count III: 2001 18 VAC 50-22-260(B)(6) Count IV: 2001 18 VAC 50-22-260(B)(15) Count V: 2001 18 VAC 50-22-260(B)(16)

Mr. Redifer seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion, Mr. Kirby offered a motion to adopt the Summary of the Informal Fact-finding Conference for sanctions as follows:

Count I: \$500.00 and remedial ed
Count II: \$200.00 and remedial ed
Count III: \$500.00 and remedial ed
Count IV: \$500.00 and remedial ed
Count V: \$2,500.00 and remedial ed

Total monetary penalties: \$4,200.00 and remedial ed. The Board felt by completing the course Trinity contracting Incorporated would have a better understanding of requirements needed as a licensed contractor. **Mr. Redifer** seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

Contractor Board Meeting Minutes April 13, 2004 Page 31 of 49

In the matter of File Number 2003-03091 Heidi D. Skeens t/a Goodman Mechanical Corporation Disciplinary File, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. Heidi D. Skeens, Regulant, nor anyone on his behalf appeared at the IFF or the Board meeting. The presiding officer Mr. Paulette was not present did not participate in the discussion and did not vote. Ms. Parrish moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

File Number 2003-03091 Goodman Mechanical Corporation

Count 1: 1999 18 VAC 50-22-260(B)(8) Count 2: 1999 18 VAC 50-22-260(B)(8) Count 3: 1999 18 VAC 50-22-260(B)(6) Count 4: 2003 18 VAC 50-22-260(B)(13)

Mr. Hart seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion, Ms. Parrish offered a motion to adopt the Summary of the Informal Fact-finding Conference for sanctions with an amendment as follows:

Count 1: \$300.00 and remedial ed Count 2: \$300.00 and remedial ed

Count 3: \$2,500.00 revocation and remedial ed

Count 4: \$1,000.00 and remedial ed

Total monetary penalties: \$4,100.00 revocation and remedial education. The Board felt by completing the course Goodman Mechanical Corporation would have a better understanding of requirements needed as a licensed contractor. Mr. Redifer seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2002-02372, Thomas W. Crowe, Sr. Disciplinary File; the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. Thomas W. Crowe, Sr., Regulant, nor anyone on his behalf appeared at the IFF or the Board meeting. The presiding officer Ms. Wall was not present did not participate in the discussion and did not vote. After discussion, Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

2002-02372 Thomas W. Crowe, Sr.

File Number

Count 1: 2001, 18 VAC 50-30-190(1) Count II: 2001, 18 VAC 50-30-190(1)

Ms. Parrish seconded the motion which was approved with a unanimous

Contractor Board Meeting Minutes April 13, 2004 Page 32 of 49

vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion, **Ms. Parrish** offered a motion to adopt the Summary of the Informal Fact-finding Conference for sanctions as follows:

Count I: No Violation
Count II: \$250.00

Total monetary penalties: \$250.00. Mr. Redifer seconded the motion which was defeated by a no vote of 2 cast by Kirby and Hart and 5 yes votes cast by: Falwell, Hollar, Kinser, Parrish and Redifer. The motion failed. Mr. Kirby offered a motion as follows for sanctions:

Count 1: No violation

Count 2: \$250.00 and remedial education

Total monetary penalties: \$250.00 and successful completion of Remedial Education. The Board felt by completing the course **Thomas W. Crowe** would have a better understanding of requirements needed as a licensed contractor. **Mr. Hollar** seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2002-03170, Carl E and Kimberly H. Graves (Claimants) and Prestige Home Center, Inc. (Regulant) Recovery Fund File; the board reviewed the record which consisted of the file, transcript and exhibits from the IFF and the presiding officer's summary and recommendation. Robert Moore nor anyone on behalf of Prestidge Home Center, Inc. appeared at the IFF or the Board meeting. Carl and Kimberly Graves (Claimants) and H. David Natkin, P.C., Claimants Attorney attended the IFF but not the Board meeting. The presiding officer, Ms. Wall was not present and did not participate in the vote. Mr. Kirby offered a motion to adopt the summary and recommendation and based upon information presented at the Recovery Fund IFF an unsatisfied Judgment Order, it is recommended the claim be approved for payment in the amount of \$10,000.00. Mr. Redifer seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2002-03170 Prestige Home Center, Inc.

In the matter of File Number 2003-00887, Delaney C. Black (Claimant and Craig J. Putziger, t/a Star City Heating and Air Conditioning (Regulant) Recovery Fund File; the board reviewed the record which consisted of the file, transcript and exhibits from the IFF and the presiding officer's summary and recommendation. Craig J. Putziger nor anyone on

File Number 2003-00887 Star City Heating and Air Contractor Board Meeting Minutes April 13, 2004 Page 33 of 49

behalf of Star City Heating and Air Conditioning. appeared at the IFF or the Board meeting. Delaney c. Black (Claimant) did not attend the IFF or the Board meeting. The presiding officer, Ms. Wall was not present and did not participate in the vote. Ms. Parrish offered a motion to adopt the summary and recommendation and based upon information presented at the Recovery Fund IFF and unsatisfied Judgment Order, it is recommended the claim be approved for payment in the amount of \$655.00. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

Conditioning

In the matter of File Number 2003-01543, Arlene Sheppard (Claimant) and John E. Morrison t/a John E. Morrison Paving (Regulant) Recovery Fund File; the board reviewed the record which consisted of the file, transcript and exhibits from the IFF and the presiding officer's summary and recommendation. John E. Morrison nor anyone on behalf of John E. Morrison Paving appeared at the IFF or the Board meeting. Arlene Sheppard (Claimant) attended the IFF but not the Board meeting. The presiding officer, Ms. Wall was not present and did not participate in the vote. Mr. Falwell offered a motion to adopt the summary and recommendation and based upon information presented at the Recovery Fund IFF and unsatisfied Judgment Order, it is recommended the claim be approved for payment in the amount of \$1,883.00. Mr. Redifer seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2003-01543 John E. Morrison Paving

In the matter of File Number 2003-01631, Doris Nance Tucker (Claimant) and Jeremy W. Hyer t/a Garages Unlimited (Regulant) Recovery Fund File; the board reviewed the record which consisted of the file, transcript and exhibits from the IFF and the presiding officer's summary and recommendation. Jeremy w. Hyer nor anyone on behalf of Garages Unlimited appeared at the IFF or the Board meeting. Doris Nance Tucker (Claimant) and Compton M. Biddle, Attorney for the claimant participated in the IFF by phone but not the Board meeting. The presiding officer, Ms. Wall was not present and did not participate in the vote. Mr. Kirby offered a motion to adopt the summary and recommendation and based upon information presented at the Recovery Fund IFF and unsatisfied Judgment Order, it is recommended the claim be approved for payment in the amount of \$5,113.20. Mr. Hart seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2003-01631 Garages Unlimited Contractor Board Meeting Minutes April 13, 2004 Page 34 of 49

In the matter of File Number 2003-01705, Peggy Hagerman (Claimant) and Christopher A. Gay t/a Elite Home Services (Regulant) Recovery Fund File; the board reviewed the record which consisted of the file, transcript and exhibits from the IFF and the presiding officer's summary and recommendation. Christopher A. Gay nor anyone on behalf of Elite Home Services appeared at the IFF or the Board meeting. Peggy Hagerman (Claimants) and Frances H. Hampton., Claimants Attorney attended the IFF but not the Board meeting. The presiding officer, Ms. Wall was not present and did not participate in the vote. Mr. Redifer offered a motion to reject the summary and recommendation and deny payment in the amount of \$10,000.00 based on the claim not being file within the one year time period. Ms. Parrish seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2003-01705 Elite Home Services

In the matter of File Number 2003-01847, Lufit and Rafael Luna (Claimants) and Jacqueline A. Sawyer t/a Wishmakers (Regulant) Recovery Fund File; the board reviewed the record which consisted of the file, transcript and exhibits from the IFF and the presiding officer's summary and recommendation. Jacqueline Sawyer nor anyone on behalf of Wishmakers appeared at the IFF or the Board meeting. Rafael and Lufit Luna (Claimants) did not attend the IFF or the Board meeting. The presiding officer, Ms. Wall was not present and did not participate in the vote. Mr. Kirby offered a motion to adopt the summary and recommendation and based upon information presented at the Recovery Fund IFF and unsatisfied Judgment Order, it is recommended the claim be approved for payment in the amount of \$7,157.00. Mr. Falwell seconded the motion which was withdrawn after discussion. Mr. Redifer offered a motion to deny payment of the claim because the regulant was not licensed wit the Board for Contractors at the time of entering into a contract with the Lunas as required by §54.1-1120.A. Mr. Kirby seconded the motion which was approved unanimously by: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2003-01847 Wishmakers

In the matter of the File Number 2003-01873, Todd Early and Anne McNeil (Claimants) and Kevin Hooghkirk, Inc. t/a Kevin Hooghkirk, Inc. (Regulant) Recovery Fund File; the board reviewed the record which consisted of the file, transcript and exhibits from the IFF and the presiding officer's summary and recommendation. Kevin Hooghkirk, Inc. nor anyone on behalf of Kevin Hooghkirk, Inc. appeared at the IFF or the Board meeting. Toddy Early (Claimant) attended the IFF but not the Board meeting. The presiding officer, Ms. Wall was not present and did not participate in the vote. Mr. Kirby offered a motion to adopt the summary and recommendation and based upon information presented at the Recovery Fund IFF, it is

File Number 2003-01873 Kevin Hooghkirk, Inc. Contractor Board Meeting Minutes April 13, 2004 Page 35 of 49

recommended the claim be approved for payment in the amount of \$2,069.50. Mr. Redifer seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2003-01954 Mason J. Gray t/a Gray's Complete Basement Remodeling Disciplinary File, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. Mason J. Gray, Regulant, nor anyone on his behalf appeared at the IFF or the Board meeting. The presiding officer Ms. Wall was not present did not participate in the discussion and did not vote. Mr. Hart moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

File Number 2003-01954 Mason J. Gray

Count 1: 2001 18 VAC 50-22-260(B)(27) Count 2: 2001 18 VAC 50-22-260(B)(9) Count 3: 2001 18 VAC 50-22-260(B)(15) Count 4: 2003 18 VAC 50-22-260(B)(28) Count 5: 2003 18 VAC 50-22-260(B)(13)

Ms. Parrish seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion, Mr. Hart offered a motion to adopt the Summary of the Informal Fact-finding Conference for sanctions with an amendment as follows:

Count 1: \$1,000.00 revocation and remedial ed Count 2: \$1,500.00 revocation and remedial ed Count 3: \$2,500.00 revocation and remedial ed Count 4: \$2,500.00 revocation and remedial ed Count 5: \$2,500.00 revocation and remedial ed

Total monetary penalties: \$9,500.00 revocation and remedial education. The Board felt by completing the course Mason J Gray would have a better understanding of requirements needed as a licensed contractor. The Board voted to increase the monetary penalties for each count due to the severity of the violation and to be consistent with previous Board actions for similar violations. Mr. Kirby seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of the File Number 2003-01976, Michael Muson (Claimant) and Exterior Solutions, Inc. t/a Exterior Solutions, Inc. (Regulant) Recovery Fund File; the board reviewed the record which consisted of the file, transcript and exhibits from the IFF and the presiding

File Number 2003-01976 Exterior Solutions, Contractor Board Meeting Minutes April 13, 2004 Page 36 of 49

officer's summary and recommendation. No one from Exterior Solutions appeared at the IFF or the Board meeting. Michael Munson (Claimant) attended the IFF but not the Board meeting. The presiding officer, Ms. Wall was not present and did not participate in the vote. Ms. Parrish offered a motion to adopt the summary and recommendation and based upon information presented at the Recovery Fund IFF and unsatisfied Judgment Order, it is recommended the claim be approved for payment in the amount of \$4,927.61. Mr. Redifer seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

Inc.

In the matter of File Number 2003-01989, David and Sharon Mendoza (Claimants) and Frederick Kim Hargett t/a General Maintenance (Regulant) Recovery Fund File; the board reviewed the record which consisted of the file, transcript and exhibits from the IFF and the presiding officer's summary and recommendation. Frederick Hargett participated in the IFF by phone but he did not attend the Board meeting. David and Sharon Mendoza (Claimants) and Charles Osberhoudt., Claimants Attorney participated in the IFF but not the Board meeting by phone. The presiding officer, Ms. Wall was not present and did not participate in the vote. Mr. Redifer offered a motion to reject the summary and recommendation and deny the claim because it is rental property. Ms. Parrish seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

<u>File Number</u> 2003-01989 General Maintenance

In the matter of File Number 2003-02461 Samuel & Janice Stanley t/a Sam & Janice Your Personal Pavers Disciplinary File, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. Samuel and Janice Stanley, Regulant; appeared at the IFF. The presiding officer Ms. Wall was not present did not participate in the discussion and did not vote. Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

File Number 2003-02461 Sam & Janice Your Personal Payers

Count 1: 2001 18 VAC 50-22-230(A) Count 2: 2001 18 VAC 50-22-260(B)(9)

Mr. Hollar seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion, Mr. Redifer offered a motion to amend the Summary of the Informal Fact-finding Conference for sanctions as follows:

**Count 1:** \$50.00 **Count 2:** \$50.00

Contractor Board Meeting Minutes April 13, 2004 Page 37 of 49

Total monetary penalties: \$100.00. The Board agreed the sanctions were appropriate for the violations. Samuel D. Stanley has revised his contract and completed the education requirements. **Mr. Hart** seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2003-03472, William W. Craft t/a American Eagle Docks and Decks Disciplinary File, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. William W. Craft, Regulant, nor anyone on his behalf appeared at the IFF or the Board meeting. The presiding officer Ms. Wall was not present did not participate in the discussion and did not vote. Mr. Kirby moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

File Number 2003-03472 American Eagle Docks and Decks

Count 1: 2003 18 VAC 50-22-260(B)(15) Count 2: 2003 18 VAC 50-22-260(B)(16) Count 3: 2003 18 VAC 50-22-260(B)(13)

Mr. Falwell seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion, Mr. Kirby offered a motion to adopt the Summary of the Informal Fact-finding Conference for sanctions with an amendment as follows:

Count 1: \$2,500.00 revocation and remedial ed Count 2: \$2,500.00 revocation and remedial ed Count 3: \$2,500.00 revocation and remedial ed

Total monetary penalties: \$7,500.00 revocation and remedial education. The Board felt by completing the course American Eagle Docks and Decks would have a better understanding of requirements needed as a licensed contractor. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2003-03492 David Duncan t/a D & D Home Improvement & Painting Co. Disciplinary File, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. David Duncan, Regulant, nor anyone on his behalf appeared at the IFF or the Board meeting. The presiding officer Ms. Wall was not present did not participate in the

File Number 2003-03492 D & D Home Improvement & Painting Co. Contractor Board Meeting Minutes April 13, 2004 Page 38 of 49

discussion and did not vote. **Ms. Parrish** moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

Count 1: 2003 18 VAC 50-22-260(B)(8) Count 2: 2003 18 VAC 50-22-260(B)(8) Count 3: 2003 18 VAC 50-22-260(B)(6) Count 4: 2003 18 VAC 50-22-260(B)(13) Count 5: 2003 18 VAC 50-22-260(B)(13)

Mr. Falwell seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After discussion, Ms. Parrish offered a motion to adopt the Summary of the Informal Fact-finding Conference for sanctions with an amendment as follows:

Count 1: \$250.00 revocation and remedial ed Count 2: \$1,000.00 revocation and remedial ed Count 3: \$500.00 revocation and remedial ed Count 4: \$1,000.00 revocation and remedial ed Count 5: \$1,000.00 revocation and remedial ed

Total monetary penalties: \$3,750.00 revocation and remedial education. The Board felt by completing the course **David Duncan** would have a better understanding of requirements needed as a licensed contractor. The Board voted to increase the monetary penalties to be consistent with previous Board actions for similar violations. **Mr. Kirby** seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2004-00080 Gary Eugene Graham t/a Gary's Remodeling Disciplinary File, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer. Gary Eugene Graham, Regulant, appeared at the IFF but not the Board meeting. The presiding officer Ms. Wall was not present did not participate in the discussion and did not vote. Mr. Redifer moved to adopt the Summary of the Informal Fact-Finding Conference for violations as follows:

Count 1: 2003 18 VAC 50-22-260(B)(9) Count 2: 2003 18 VAC 50-22-260(B)(27) Count 3: 2003 18 VAC 50-22-260(B)(6) Count 4: 2003 18 VAC 50-22-260(B)(15) Count 5: 2003 18 VAC 50-22-260(B)(16)

Mr. Kirby seconded the motion which was approved with a unanimous vote by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer. After

File Number 2004-00080 Gary's Remodeling Contractor Board Meeting Minutes April 13, 2004 Page 39 of 49

discussion, Mr. Redifer offered a motion to adopt the Summary of the Informal Fact-finding Conference for sanctions with an amendment as follows:

Count 1: \$500.00 and remedial education

Count 2: \$1,500.00 and remedial ed Count 3: \$1,000.00 and remedial ed Count 4: \$2,500.00 and remedial ed

Count 5: \$2,500.00 90 day suspension and remedial ed

Total monetary penalties: \$8,000.00 ninety day suspension and remedial education. The Board felt by completing the course **Gary Eugene Graham** would have a better understanding of requirements needed as a licensed contractor. The Board voted to require Mr. Graham to provide documentation he's paid the complainant. Failure to pay the \$7,000.00 will result in the automatic revocation of Graham's license number 2705-052908. **Mr. Hart** seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2001-01196, Richard B. Stevens t/a R. B. Stevens Construction Inc., the Board members reviewed the Consent Order as seen and agreed to by Richard B. Stevens. After discussion, Mr. Hart moved to accept the Consent Order wherein Mr. Stevens admits to violations of the Board's 1999 regulations 18 VAC 50-22-260(B)(6) and agrees to the imposition of the following sanctions: \$500.00. Mr. Hart further moved that Mr. Stevens' failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of R. B. Stevens Construction Inc. license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2001-01196 R. B. Stevens Construction Inc.

In the matter of File Number 2002-03096, Gregg P. Glausen, Sr. t/a G & G Enterprises, the Board members reviewed the Consent Order as seen and agreed to by Gregg P. Glausen. After discussion, Mr. Hart moved to accept the Consent Order wherein Mr. Glausen admits to violations of the Board's 1999 regulations 18 VAC 50-22-230(A) and agrees to the imposition of the following sanctions: \$150.00. Mr. Hart further moved that Mr. Glausen's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of G & G Enterprises' license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2002-03096 G & G Enterprises Contractor Board Meeting Minutes April 13, 2004 Page 40 of 49

In the matter of File Number 2002-03667, Roy D.Brooks t/a Roy Brooks Company, Inc., the Board members reviewed the Consent Order as seen and agreed to by Roy D. Brooks. After discussion, Mr. Hart moved to accept the Consent Order wherein Mr. Brooks admits to violations of the Board's 2003 regulations 18 VAC 50-22-260(B)(22) and 18 VAC 50-22-260(B)(23) and agrees to the imposition of the following sanctions: \$1,000.00. Mr. Hart further moved that Mr. Brooks' failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of Roy Brooks Company Inc. license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2002-03667 Roy Brooks Company Inc.

In the matter of File Number 2003-00765, John A. Cornwell t/a Cornwell Carpentry & Home Improvement, the Board members reviewed the Consent Order as seen and agreed to by John A. Cornwell. After discussion, Mr. Hart moved to accept the Consent Order wherein Mr. Cornwell admits to violations of the Board's 2001 regulations 18 VAC 50-22-260(B)(6) and 18 VAC 50-22-260(B)(29) and agrees to the imposition of the following sanctions: \$500.00 and successful completion of the Board's Basic Contractor Licensing class within six months of the date of the order. Mr. Hart further moved that Mr. Cornwell's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of Cornwell Carpentry & Home Improvement license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2003-00765 Cornwell Carpentry & Home Improvement

In the matter of File Number 2003-01485, Michael L Graham, Sr. t/a M L Graham, the Board members reviewed the Consent Order as seen and agreed to by Michael L Graham, Sr. After discussion, Mr. Hart moved to accept the Consent Order wherein Mr. Graham admits to violations of the Board's 2001 regulations 18 VAC 50-22-260(B)(27) and 18 VAC 50-22-260(B)(9) and agrees to the imposition of the following sanctions: \$750.00 and successful completion of the Board's Basic Contractor Licensing class within six months of the date of the order. Mr. Hart further moved that Mr. Graham's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of M L Graham's license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2003-01485 M L Graham Contractor Board Meeting Minutes April 13, 2004 Page 41 of 49

In the matter of File Number 2003-01599, Michael Moye t/a CRA Custom Remodeling Addition, the Board members reviewed the Consent Order as seen and agreed to by Michael Moye. After discussion, Mr. Hart moved to accept the Consent Order wherein Mr. Moye admits to violations of the Board's 2001 regulations 18 VAC 50-22-260(B)(27), 18 VAC 50-22-260(B)(9) and 18 VAC 50-22-260(B)(31) and agrees to the imposition of the following sanctions: \$500.00 and successful completion of the Board's Basic Contractor Licensing class within six months of the date of the order. Mr. Hart further moved that Mr. Moye's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of CRA Custom Remodeling Addition's license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2003-01599 CRA Custom Remodeling Addition

In the matter of File Number 2003-02020, William J. Cascio t/a Cascio Construction, the Board members reviewed the Consent Order as seen and agreed to by William J. Cascio. After discussion, Mr. Hart moved to accept the Consent Order wherein Mr. Cascio admits to violations of the Board's 1999 regulations 18 VAC 50-22-260(B)(8), 18 VAC 50-22-260(B)(8), 18 VAC 50-22-260(B)(12) and 2003 Regulations 18VAC 50-22-260(B)(25) and agrees to the imposition of the following sanctions: \$500.00 successful completion of the Board's Basic Contractor Licensing class within six months of the date of the order, Mr. Cascio agrees to complete the punch list item and he also agrees to abate the building code violation within 90 days of the effective date of this order. Mr. Hart further moved that Mr. Cascio's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of Cascio Construction's license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2003-02020 Cascio Construction

In the matter of File Number 2003-02052, George Lee Foster, Sr. t/a Galco Mechanical, the Board members reviewed the Consent Order as seen and agreed to by George Lee Foster, Sr.. After discussion, Mr. Hart moved to accept the Consent Order wherein Mr. Foster admits to violations of the Board's 2003 regulations 18 VAC 50-22-260(B)(9) and 18 VAC 50-22-260(B)(15) and agrees to the imposition of the following sanctions: \$250.00, successful completion of the Board's Basic Contractor Licensing class within six months of the date of the order and payment to Dodson of \$1,200.00 restitution within 30 days of the entry of this order. Mr. Hart further moved that Mr. Foster's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of Galco Mechanical's license. Mr.

File Number 2003-02052 Galco Mechanical Contractor Board Meeting Minutes April 13, 2004 Page 42 of 49

**Falwell** seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2003-02419, Douglas W. Dively t/a D W Dively Construction Services, the Board members reviewed the Consent Order as seen and agreed to by Douglas W Dively. After discussion, Mr. Hart moved to accept the Consent Order wherein Mr. Dively admits to violations of the Board's 2003 regulations 18 VAC 50-22-260(B)(9), 18 VAC 50-22-260(B)(6) and 18 VAC 50-22-260(B)(31) and agrees to the imposition of the following sanctions: \$400.00 and successful completion of the Board's Basic Contractor Licensing class within six months of the date of the order. Mr. Hart further moved that Mr. Dively's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of D W Dively Construction's license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2003-02419 D W Dively Construction Services

In the matter of File Number 2003-02531, Sanford W Hedrick t/a United Home Services, the Board members reviewed the Consent Order as seen and agreed to by Sanford W Hedrick. After discussion, Mr. Hart moved to accept the Consent Order wherein Mr. Hedrick admits to violations of the Board's 2003 regulations 18 VAC 50-22-260(B)(9), 18 VAC 50-22-260(B)(6) and 18 VAC 50-22-260(B)(6) and agrees to the imposition of the following sanctions: \$600.00 and successful completion of the Board's Basic Contractor Licensing class within six months of the date of the order. Mr. Hart further moved that Mr. Hedrick's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of United Home Services' license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2003-02531 UHS-United Home Services

In the matter of File Number 2003-02567, Willie J. Lowry t/a W J Lowry Home Improvements, the Board members reviewed the Consent Order as seen and agreed to by Willie J Lowry. After discussion, Mr. Hart moved to accept the Consent Order wherein Mr. Lowrey admits to violations of the Board's 2003 regulations 18 VAC 50-22-260(B)(9), 18 VAC 50-22-260(B)(27), 18 VAC 50-22-260(B)(17), 18 VAC 50-22-260(B)(27), 18 VAC 50-22-260(B)(5), 18 VAC 50-22-260(B)(15), 18 VAC 50-22-260(B) and 18 VAC 50-22-260(B)(13) and agrees to the imposition of the following sanctions: voluntary revocation of license

File Number 2003-02567 W J Lowry Home Improvements Contractor Board Meeting Minutes April 13, 2004 Page 43 of 49

hereby imposed. Mr. Hart further moved that Mr. Hedrick's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of W J Lowry Home Improvements' license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2003-02592, Roger G McClure t/a Exterior Concepts, the Board members reviewed the Consent Order as seen and agreed to by Roger G McClure. After discussion, Mr. Hart moved to accept the Consent Order wherein Mr. McClure admits to violations of the Board's 2001 regulations 18 VAC 50-22-230(A), 2001 Regulations, 18 VAC 50-22-260(B)(9) and agrees to the imposition of the following sanctions: \$200.00 and successful completion of the Board's Basic Contractor Licensing class within six months of the date of the order. Mr. Hart further moved that Mr. McClure's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of Exterior Concepts' license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2003-02592 Exterior Concepts

In the matter of File Number 2003-02657, Bak Hong t/a CCM Fire Protection Inc., the Board members reviewed the Consent Order as seen and agreed to by Bak Hong. After discussion, Mr. Hart moved to accept the Consent Order wherein Mr. Hong admits to violations of the Board's 2001 regulations 18 VAC 50-22-260(B)(6), 18 VAC 50-22-260(B)(56) and 18 VAC 50-22-260(B)(6) and agrees to the imposition of the following sanctions: \$900.00 and successful completion of the Board's Basic Contractor Licensing class within six months of the date of the order. Mr. Hart further moved that Mr. Hong's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of CCM Fire Protection Inc.'s license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2003-02657 CCM Fire Protection Inc

In the matter of File Number 2003-03074, A to Z Renovations, Inc. t/a A to Z Renovations, Inc, the Board members reviewed the Consent Order as seen and agreed to by A to Z Renovations, Inc. After discussion, Mr. Hart moved to accept the Consent Order wherein A to Z Renovations, Inc. admits to violations of the Board's 2001 regulations 18 VAC 50-22-260(B)(9), 18 VAC 50-22-260(B)(27), 18 VAC 50-22-260(B)(31), and 18 VAC 50-22-260(B)(29) and agrees to the imposition of the following

File Number 2003-03074 A to Z Renovations, Inc. Contractor Board Meeting Minutes April 13, 2004 Page 44 of 49

sanctions: voluntary license revocation. Mr. Hart further moved that A to Z Renovations, Inc.'s failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of A to Z Renovations, Inc.'s license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2003-03138, Douglas Baker t/a D. Baker & Co., Inc., the Board members reviewed the Consent Order as seen and agreed to by Douglas Baker. After discussion, Mr. Hart moved to accept the Consent Order wherein D. Baker & Co., Inc. admits to violations of the Board's 2001 regulations 18 VAC 50-22-260(B)(9) and 18 VAC 50-22-260(B)(31) and agrees to the imposition of the following sanctions: \$300.00. Mr. Hart further moved that D. Baker & Co., Inc.'s failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of D. Baker & Co., Inc.'s license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2003-03138 D. Baker & Co., Inc.

In the matter of File Number 2004-00573, Marvin Lee Groseclose t/a Chip's Electric Service, the Board members reviewed the Consent Order as seen and agreed to by Marvin L Groseclose. After discussion, Mr. Hart moved to accept the Consent Order wherein Chip's Electric Service admits to violations of the Board's 2003 Tradesman Regulations 18 VAC 50-30-190(B)(14) and agrees to the imposition of the following sanctions: \$100.00. Mr. Hart further moved that Chip's Electric Service's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of Chip's Electric Service's license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2004-00573 Chip's Electric Service

In the matter of File Number 2004-00885, Stephen N. Gray t/a Roofs Unlimited, the Board members reviewed the Consent Order as seen and agreed to by Roofs Unlimited. After discussion, Mr. Hart moved to accept the Consent Order wherein Roofs Unlimited admits to violations of the Board's 1998 regulations 18 VAC 50-22-260(B)(8) and 18 VAC 50-22-260(B)(6) and agrees to the imposition of the following sanctions: \$300.00. Mr. Hart further moved that Roof's Unlimited's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of Roof's Unlimited's license. Mr.

File Number 2004-00885 Roofs Unlimited Contractor Board Meeting Minutes April 13, 2004 Page 45 of 49

**Falwell** seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

In the matter of File Number 2004-00991, George T. Leger t/a Leger Fence and Deck, the Board members reviewed the Consent Order as seen and agreed to by Leger Fence and Deck. After discussion, Mr. Hart moved to accept the Consent Order wherein Leger Fence and Deck admits to violations of the Board's 2003 Regulations 18 VAC 50-22-230(A), 18 VAC 50-22-260(B)(9) and 18 VAC 50-22-260(B)(31) and agrees to the imposition of the following sanctions: \$350.00 and successful completion of remedial education. Mr. Hart further moved that Leger Fence and Deck failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of Leger Fence and Deck license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2004-00991 Leger Fence and Deck

In the matter of File Number 2004-01029, Joe W. Abel, III t/a Abel Transport, the Board members reviewed the Consent Order as seen and agreed to by Abel Transport. After discussion, Mr. Hart moved to accept the Consent Order wherein Joe W. Abel admits to violations of the Board's 2003 Regulations 18 VAC 50-22-260(B)(9), 18 VAC 50-22-260(B)(10) and 18 VAC 50-22-260(B)(6) and agrees to the imposition of the following sanctions: \$350.00 and successful completion of Remedial Education.

Mr. Hart further moved that Abel Transport's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of Abel Transport's license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2004-01029 Abel Transport

In the matter of File Number 2004-00995, John Robert Kirby t/a John Robert Kirby, the Board members reviewed the Consent Order as seen and agreed to by John R Kirby. After discussion, Mr. Hart moved to accept the Consent Order wherein John R Kirby admits to violations of the Board's 2003 Regulations 18 VAC 50-22-260(B)(25) and agrees to the imposition of the following sanctions: \$250.00 and successful completion of the Board's Remedial Education class. Mr. Hart further moved that John R Kirby's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of John R Kirby's license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2004-00995 John Robert Kirby Contractor Board Meeting Minutes April 13, 2004 Page 46 of 49

In the matter of File Number 2004-01357, William L. Kuper t/a Kuper Construction Company, the Board members reviewed the Consent Order as seen and agreed to by William L. Kuper. After discussion, Mr. Hart moved to accept the Consent Order wherein William L. Kuper admits to violations of the Board's 2003 Regulations 18 VAC 50-22-260(B)(9) and 18 VAC 50-22-260(B)(31) and agrees to the imposition of the following sanctions: \$350.00 and successful completion of the Board's Remedial Education class. Mr. Hart further moved that Kuper Construction Company's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of Kuper Construction Company's license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2004-01357 Kuper Construction Company

In the matter of File Number 2004-01735, N & C Corporation t/a GBEN Contractors, the Board members reviewed the Consent Order as seen and agreed to by Gerald Gordon, President of N & C Corporation. After discussion, Mr. Hart moved to accept the Consent Order wherein N & C Corporation admits to violations of the Board's 2003 Regulations 18 VAC 50-22-260(B)(9) and agrees to the imposition of the following sanctions: \$1,000.00 and successful completion of the Board's Remedial Education class. Mr. Hart further moved that GBEN Contractor's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of GBEN Contractor's license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2004-01735 GBEN Contractors

In the matter of File Number 2004-02205, Dan Manson t/a Dan Manson Contractor, the Board members reviewed the Consent Order as seen and agreed to by Dan Manson. After discussion, Mr. Hart moved to accept the Consent Order wherein Dan Manson Contractor admits to violations of the Board's 2001 Regulations 18 VAC 50-22-260(B)(9), 18 VAC 50-22-260(B)(27), 18 VAC 50-22-260(B)(6) and agrees to the imposition of the following sanctions: \$900.00 and successful completion of the Board's Remedial Education class. Mr. Hart further moved that Dan Man Contractor's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of Dan Manson Contractor's license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2004-02205 Dan Manson Contractor Contractor Board Meeting Minutes April 13, 2004 Page 47 of 49

In the matter of File Number 2004-02545, Deborah Jackson t/a Rick Carney Irrigation, Inc., the Board members reviewed the Consent Order as seen and agreed to by Deborah Jackson. After discussion, Mr. Hart moved to accept the Consent Order wherein Rick Carney Irrigation, Inc. admits to violations of the Board's 2003 Regulations 18 VAC 50-22-260(B)(6) and agrees to the imposition of the following sanctions: \$1,000.00 and successful completion of the Board's Remedial Education class. Mr. Hart further moved that Rick Carney Irrigation Inc.'s failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of Rick Carney Irrigation Inc.'s license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2004-02545 Rick Carney Irrigation, Inc.

In the matter of File Number 2004-02598, M. H. Williams t/a M. H. Williams, Inc., the Board members reviewed the Consent Order as seen and agreed to by M. H. Williams, President of M H Williams, Inc. After discussion, Mr. Hart moved to accept the Consent Order wherein M. H. Williams admits to violations of the Board's 2003 Regulations 18 VAC 50-22-260(B)(9) and agrees to the imposition of the following sanctions: \$300.00 and successful completion of the Board's Remedial Education class. Mr. Hart further moved that M H Williams's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of M H Williams Inc.'s license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2004-02598 M H Williams, Inc.

In the matter of File Number 2003-02584, Sanford W Hedrick t/a United Home Services, the Board members reviewed the Consent Order as seen and agreed to by Sanford W Hedrick. After discussion, Mr. Hart moved to accept the Consent Order wherein Mr. Hedrick admits to violations of the Board's 2003 regulations 18 VAC 50-22-260(B)(9), 18 VAC 50-22-260(B)(6) and 18 VAC 50-22-260(B)(6) and agrees to the imposition of the following sanctions: \$600.00 and successful completion of the Board's Basic Contractor Licensing class within six months of the date of the order. Mr. Hart further moved that Mr. Hedrick's failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of United Home Services' license. Mr. Falwell seconded the motion which was unanimously approved by members: Falwell, Hart, Hollar, Kinser, Kirby, Parrish and Redifer.

File Number 2003-02584 UHS-United Home Services Contractor Board Meeting Minutes April 13, 2004 Page 48 of 49

The following cases were remanded to the May 25, 2004 Board Meeting due to a lack of quorum being present in order to hear the cases at the April 13, 2004 meeting. File Numbers: 2002-00589 Daveco, Inc., 00887 Jerry Blevins, 2002-00911 Daveco, Inc., Daveco, Inc., 2002-03440 Picture Perfect Renovation, 2002-03648 Exterior Solutions, Inc., 2003-01152 Daveco, Inc., 2003-01353 Renewed by Dezign, 2003-02349 R & R Home Improvements, 2003-02697 Harris Construction, 2002-02056 Tuttle and Son Construction, 2002-03548 Custom Care Remodeling, Inc., 2003-01956 TJ's Connection, 2003-01998 Daniel's Heating & Cooling, 2003-02112 Tuttle & Son Construction, 2003-02136 David G Carpentry, 2002-01176 Valley Mechanical of Warren, Inc., 01289 The Dominion Companies, Inc., 2002-02140 Williams Electric Heating Plumbing H/AC Gas, 2003-00745 Johnson Builders, 2003-01313 Melvin Morgan Roofing & Sheet Metal Company, 2003-01389 Murph's Building and 2003-03383 C E Thacker Construction,

Remanded to May 25, 2004 Meeting

Mr. Olson reviewed information with the Board concerning Consent Orders and remedial education. He also shared that our license database will soon be online.

Other Board Business

Mr. Olson updated the Board on Member Training and notified them of the July 2004 dates for training. He also gave a brief overview of the "special Board Member Training" session that was held in April 2004.

Board Training

Eric Olson reminded the Board they had copies of the Recovery Fund Reports for February 2004.

Recovery
Fund
Reports

Louise Ware notified the Board of Jim Guffey's pending retirement in July 2004.

New Business Contractor Board Meeting Minutes April 13, 2004 Page 49 of 49

Olson reminded the board members to complete their travel vouchers and Conflict of Interest forms and to give them to Sheila Watkins at the end of the meeting for processing.

Completion
of
Paperwork

There being no further business to come before the board, the meeting was adjourned upon a motion by **Falwell** and seconded by **Kirby**. The vote was unanimous. Members voting yes were, Hollar, Hart, Kirby, Parrish, Falwell, Kinser and Redifer at 3:40 P M.

Adjournment

Mark D. Kinser, Chairman

Louise Fontaine Ware, Secretary

Copy teste:

Custodian of the Record

1.	Name:	Charles W. Falwell
2.	Title:	Member - Board for Contractors
3.	Agency:	Department of Professional & Occupational Regulation
4.	Transacti	on: CONTRACTORS BOARD MEETING
ō. 6.	Nature of	Personal Interest Affected by Transaction:
		n a member of the following business, profession, occupation group, the members of which are affected by the transaction:
	•	n able to participate in this transaction fairly, objectively, and he public interest.
	Sigi	April 13, 2004 Date

1.	Nam	e:	Kenneth W. Hart	
2.	Title	:	Member - Board for Contractors	
3.	Ager	ncy:	Department of Professional & Occupational	Regulation
4.	Tran	sactio	n: CONTRACTORS BOARD MEETING	
5.	Natu	re of	Personal Interest Affected by Transaction:	
6.	l dec	lare tl	nat:	
	(a)		a member of the following business, profes oup, the members of which are affected by t	
(	TH-			- -
(	(b)		able to participate in this transaction fairly, e public interest.	objectively, and
		Jon	with W. Hait	April 13, 2004
		ຸ,ຽigna	ature / Date	

1.	Nam	e:	James A. Hollar	
2.	Title	:	Member - Board for Contractors	
3.	Ager	ncy:	Department of Professional & Occupational Regulation	
4.	Tran	sactio	n: CONTRACTORS BOARD MEETING	
5.			Personal Interest Affected by Transaction:	
6.	I declare that:			
	(a)		a member of the following business, profession, occupation oup, the members of which are affected by the transaction:	
		Ac	CA PMPU, C.MH. INC	
	(b)		able to participate in this transaction fairly, objectively, and public interest.	
	(	Signa	April 13, 2004 Date	

1.	Nam	ne:	Mark D. Kinser	
2.	Title	);	Member - Board for Contractors	
3.	Age	ncy:	Department of Professional & Occupational Regu	llation
4.	Tran	sactio	on: CONTRACTORS BOARD MEETING	
5.	Natu	ure of	Personal Interest Affected by Transaction:	
6.	l de	clare t	hat:	
	(a)		a member of the following business, profession, roup, the members of which are affected by the tr	-
	(b)		n able to participate in this transaction fairly, objected interest.	ectively, and
		Pr	Apr	il 13, 2004

#### STATE AND LOCAL GOVERNMENT

### **CONFLICT OF INTEREST ACT**

1.	Name:	Robert M. Kirby
2.	Title:	Member - Board for Contractors
3.	Agency:	Department of Professional & Occupational Regulation
4.	Transacti	on: CONTRACTORS BOARD MEETING
5.	Nature of	Personal Interest Affected by Transaction:
	Plas.	DE. KIERY, INC KERN & KERN
	138	<i>.</i>
6.	l declare	
	or g	n a member of the following business, profession, occupation group, the members of which are affected by the transaction:
	_#3 	MPVA, DEKLARY, INC.
		n able to participate in this transaction fairly, objectively, and he public interest.
	Sigr	April 13, 2004 Date

1.	Nam	ne:	Jennifer L. Parrish	
2.	Title	<b>)</b> :	Member - Board for Contractors	
3.	Age	ncy:	Department of Professional & Occupational	Regulation
4.	Tran	nsactio	n: CONTRACTORS BOARD MEETING	
5.	Nati	ure of	Personal Interest Affected by Transaction:	
		<del>.</del>		_
				_
6.	1 de	clare t	nat:	
	(a)		a member of the following business, profes oup, the members of which are affected by t	•
				_
	(b)		able to participate in this transaction fairly, e public interest.	- objectively, and
		Sign	LL QJ ature Date	April 13, 2004

•	Name	e: Michael D. Redifer	
•	Title:	Member - Board for Contractors	
	Agen	cy: Department of Professional & Occupational I	Regulation
	Trans	saction: CONTRACTORS BOARD MEETING	
	Natur	re of Personal Interest Affected by Transaction:	
•	l decl	lare that:	,
	· -	I am a member of the following business, professor group, the members of which are affected by the	•
		UBCOA UPLUTA ICC IAET NFPA	ne transaction.
		OBCOA VENIA LCC INCI MILY	-
		I am able to participate in this transaction fairly, in the public interest.	objectively, and
		MM)	
		Signature Date	April 13, 2004